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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00717 RMW
)	
Plaintiff,)	STIPULATION AND []
)	ORDER TO EXCLUDE TIME FROM
v.)	FEBRUARY 13, 2012, THROUGH
)	MARCH 19, 2012 UNDER THE SPEEDY
MARIA GUADALUPE BARBOSA,)	TRIAL ACT (18 U.S.C. §§ 3161(h)(2),
)	(h)(7)(B)(iv).
Defendants.)	

On February 13, 2012, the United States, through its counsel, and defendant Maria Barbosa, through her counsel, appeared before the Court for a status hearing in the above-referenced matter. With the agreement of the parties, the Court continued the hearing until March 19, 2012, to allow the U.S. Pre-Trial Services Office to determine whether defendant is a suitable candidate for its diversion program.

The parties hereby submit this written request for an order finding that the time from February 13, 2012, through March 19, 2012, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161, for the purpose of allowing the defendant to demonstrate her good conduct. 18 U.S.C. § 3161(h)(2). Further, the failure to grant such a continuance would unreasonably deny counsel for

defendant the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv).

DATED: February 13, 2012

MELINDA HAAG
United States Attorney

_____/s/_____
EUMI L. CHOI
Assistant United States Attorney

_____/s/_____
PETER LEEMING, ESQ.

ORDER

Based upon the stipulation of the parties, and for good cause shown, the Court HEREBY ORDERS that the time from February 13, 2012, through March 19, 2012, is excluded under the Speedy Trial Act, 18 U.S.C. § 3161. The Court finds that the time is properly excluded for the purpose of allowing the defendant to demonstrate her good conduct. 18 U.S.C. § 3161(h)(2). Further, the ends of justice are served by taking such action and outweigh the best interests of the public and defendant in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The failure to grant such a continuance would unreasonably deny counsel for defendant and the Government the reasonable time necessary for effective preparation, taking into account the exercise of due diligence. 18 U.S.C. § 3161(h)(7)(B)(iv). The Court therefore concludes that this exclusion of time should be made under 18 U.S.C. §§ 3161(h)(2) and (h)(7)(B)(iv).

IT IS SO ORDERED.

DATED: FEB 13 2012


RONALD M. WHYTE
UNITED STATES DISTRICT JUDGE